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PIMA INDIAN RESERVATION

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HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

SIXTY-SECOND CONGRESS

SECOND SESSION

ON

H. R. 18244

A BILL PROVIDING FOR THE CONSTRUCTION OF IRRIGATION WORKS
FOR IMPOUNDING THE WATERS OF THE GILA RIVER, ARIZ.,
AND ITS TRIBUTARIES, FOR IRRIGATION OF THE LANDS
OF THE GILA RIVER VALLEY, AND FOR THE PROTEC-
TION OF THE INTERESTS OF THE PIMA AND OTHER
INDIAN TRIBES, AND FOR OTHER PURPOSES

MARCH 14, 1912

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UNITED STATES SENATE.

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PIMA INDIAN RESERVATION.

THURSDAY, MARCH 14, 1912.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C.

The committee met at 11.30 o'clock a. m.

Present: Senators Clapp (acting chairman), Sutherland, Curtis, Brown, Page, Chamberlain, Owen, Watson, and Myers.

STATEMENT OF HERBERT MARTEN, FINANCIAL CLERK OF PIMA INDIAN AGENCY, ARIZ.

Mr. MARTEN. Mr. Chairman, and gentlemen, the case of the Pima Indians in Arizona is probably familiar to the committee, more or less. The fact is that the Indians have been robbed of their water rights in the water of the Gila River. They are an agricultural tribe, and were an independent tribe, and self-supporting, and since they have been robbed of their water they are now dependent upon the Government, and dependent upon such work as they can get and such meager crops as they now raise from the flood waters, and their condition is now one of penury and semistarvation.

About the year 1900 it was proposed that a reservoir should be built on the Gila River to give them water, and for the irrigation of their land that had been deprived of water, but the site of that reservoir was changed to another river, the Salt River, and it is known now as the Roosevelt Reservoir.

Now, water might have been obtained by the Indians from that reservoir, but in place of getting water the Government was induced to buy electricity, and the result of that is that they have paid the same price for the electricity as the white people are paying for the river water out of the reservoir, and at the same time the Government is now installing a system of wells at a vast expense to secure pumped water for the Indians, and still it is paying the same price for the electricity as the white settlers are paying for the water.

The consequence is that if that system is allowed to go on to completion it will cost the Government \$2,500,000 (as estimated) as an initial cost to install the water. The life of the wells will be only 10 years, as estimated by Government engineers, and there will be a huge payment of \$160,000 a year for electricity if the Indians are given per capita allotments of 10 acres, as recommended by Commissioner Valentine.

Now, the alternative proposition is to provide a reservoir on the Gila River. The Government engineers estimate, or did estimate, the cost of that reservoir at \$1,000,000 and it would irrigate at the very minimum 60,000 acres of land. If this 60,000 acres of land

should be irrigated from a reservoir the cost per year would be but \$1.60 an acre, if it is the same as the other reservoir. That is what the farmers are now paying for water from the Roosevelt Reservoir already constructed. Therefore, the cost of irrigation would be \$96,000 per year. But under the well system the cost would be \$240,000 a year for electricity required to operate the pumps and other expenses, to say nothing of the initial cost of the well system over and above the cost of the reservoir.

Senator SUTHERLAND. Do you mean to say that the wells would cease to flow at the end of 10 years?

Mr. MARTEN. No, sir; but the original equipment would be worn out, as stated by Government engineers and as also stated the depreciation per annum would be 20 per cent of the original cost, while on the other hand, if the San Carlos Reservoir were constructed it could be made as enduring as time. The difference in the cost of the water secured from the reservoir and the water secured by wells on the irrigation of 60,000 acres amounts to a saving of \$144,000 a year in favor of a reservoir system.

Senator SUTHERLAND. Is there ample water supply?

Mr. MARTEN. There is an ample water supply, but in order to raise that by means of electricity it will cost four or five times what it would to get water from the reservoir.

Senator SUTHERLAND. I do not mean the wells. Is there ample supply in the river?

Mr. MARTEN. Yes, sir; so the engineers have estimated, and the very minimum of land that that would irrigate would be 60,000 acres. The San Carlos Dam will cost less than to complete the wells.

There are two estimates—one is \$1,038,000, and the other is \$1,015,000, and they have been passed upon by Government engineers of the highest standing.

Senator PAGE. One word right there. Your case seems to leave no ground for any argument on the other side. Why, then, has the Government passed favorably upon this proposition to build the wells, if it is so perfectly absurd as you make it out to be?

Mr. MARTEN. The point is that the reservoir which is now constructed was constructed at an enormous expense, and by selling electricity they hope to be able to reimburse themselves more or less for that expenditure. The Government has spent or contracted to spend, \$500,000 in buying electricity, and, as I have said, the white farmers have water for the money they pay. Now, there are two points to the question; the first is that water is reserved for idle speculative lands, and the other one is that not only is the water reserved, but \$500,000 is gathered in for that electricity bought in place of water.

Senator CURTIS. You mean that the Government is using the electricity to pump the water out of the wells, instead of getting it from the reservoir?

Mr. MARTEN. That is the point.

Senator CURTIS. What Senator Page wanted to know, as I understood his question, and which I do not think you did, is: Why did the Government put down those wells if it was going to be such an expensive and such a useless proposition?

Mr. MARTEN. They should never have done it.

Senator CURTIS. Why did they do it—that is the point?

Mr. MARTEN. I think all the evidence seems to show that the reason why it was done was that these idle speculative arid lands which were not supplied with water should have the water that ought to have gone to the Indians.

I can give you a case in point. There is a large estate of 18,000 acres of land bordering on the Indian reservation, with nothing to divide the two but an imaginary line run by the surveyors. There is evidence to show that those 18,000 acres of public land have been illegally secured from the Government, and the water which should be running over the Indian lands, and which used to overflow this land from a canal in times of high water is now running on this 18,000 acre tract of speculative land.

Senator PAGE. It has been diverted wrongfully?

Mr. MARTEN. It has been diverted in place of being put on the Indian lands.

Senator CURTIS. It is appropriated by the other lands?

Mr. MARTEN. Yes, sir.

Senator CURTIS. How many wells have been put down by the Government?

Mr. MARTEN. Ten.

Senator CURTIS. How much have they cost?

Mr. MARTEN. The cost of those wells is about \$900,000 at the present time, including contracted indebtedness.

Senator CURTIS. How many of them are working?

Mr. MARTEN. Seven.

Senator CURTIS. Satisfactorily, I mean.

Mr. MARTEN. Well, not all of the seven are working satisfactorily.

Senator CURTIS. Three, is it not?

Mr. MARTEN. There are three or four working satisfactorily; seven are working more or less satisfactorily.

Senator CURTIS. How many acres are being irrigated by those seven wells or from the seven wells?

Mr. MARTEN. There can be about 4,200 acres irrigated.

Senator CURTIS. For which the Government has spent how much money?

Mr. MARTEN. The Government has spent altogether about \$500,000 and has contracted to pay \$400,000 more.

Senator CURTIS. That is \$900,000?

Mr. MARTEN. Yes, sir.

Senator OWEN. Under whose direction was that done?

Mr. MARTEN. I believe it was done chiefly under the direction of the former chief engineer of the Indian service, Mr. William H. Code, in connection with the Reclamation Service. Mr. Code has now resigned from the service.

Senator OWEN. That is rather an expensive service.

Mr. S. M. BROSIUS (agent of the Indian Rights Association). I should like to say that Mr. Code resigned from the service after there had been quite an exposition of the transactions in the irrigation matters last summer.

Mr. MARTEN. Furthermore, those wells are very alkaline in character and will do harm to the vegetation.

Senator CURTIS. How much? Go ahead and tell us what you know; what it has done up to the present time.

Mr. MARTEN. A similar well installed about seven years ago has already disastrously affected a large area of agricultural land at Pima

Agency at Sacaton. Last year seed had to be planted three or four times; grapevines were dying; and it is a matter of record and observation that that land is practically ruined. I know there are many theories as to what the water will do under certain circumstances, but there is recorded evidence.

Senator CURTIS. How deep are those wells?

Mr. MARTEN. The water level is about 60 feet, but the depth of the well is, I think, 200 feet.

Senator CURTIS. You say there is alkali in this water, and that it is injurious to the land?

Mr. MARTEN. Yes, sir.

Senator CURTIS. Your plan would be to use the surface water, which is not alkaline?

Mr. MARTEN. The river water.

Senator CURTIS. Which is not alkaline?

Mr. MARTEN. Which is much less alkaline in character than the wells, and contains vast quantities of valuable fertilizing elements that overcome what alkalinity there is in the water.

Senator SUTHERLAND. If you have an abundant flow, it will wash the alkali out?

Mr. MARTEN. To some extent; some of the alkali would be washed out. With the use of river water entirely, there is no question but that the land would be perpetually fertile.

Senator SUTHERLAND. That is what I wished to suggest, that the river water would absorb some of the alkali.

Mr. MARTEN. Yes, sir.

Senator PAGE. How many Indians are affected by this change of plan?

Mr. MARTEN. There are 4,000 Indians in the tribe and 800 get a dubious benefit from the wells already under construction. Therefore there would be 3,200 which have received no benefit whatever, but the total population would be benefited very greatly by the change from the well system to a reservoir.

Senator PAGE. How many are really deprived of a livelihood because of this condition?

Mr. MARTEN. Three thousand two hundred are more or less deprived of a livelihood, because they are all chiefly engaged in agriculture.

Senator CURTIS. These Indians were self-supporting before the water rights were taken away from them and had never called upon the Government for aid of any kind or character?

Mr. MARTEN. That is correct.

Senator SUTHERLAND. They were engaged in agriculture?

Senator CURTIS. Yes.

Senator PAGE. Now, they are reduced to poverty and want?

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. I do not quite understand the situation with reference to this reservoir already in existence. Is that a reservoir constructed by the Government?

Mr. MARTEN. Yes, sir; by the Reclamation Service.

Senator SUTHERLAND. Under the reclamation act?

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. And the water rights carried by the reservoir have been appropriated by white farmers?

Mr. MARTEN. I must make it clear to you that there are two streams very close to each other. They form a confluence below the reservation. The one is the Gila River and the other is the Salt River. Originally it was proposed to put the reservoir on the Gila River, so as to benefit the land; but, for political reasons or otherwise, the plan to construct a reservoir was changed from the originally proposed site, on the Gila River, and the reservoir constructed on the Salt River, which is now known as the Roosevelt Reservoir. A statement was made that water from the Roosevelt Reservoir would be supplied Indian lands on the Gila River Reservation, but it has not been supplied.

Senator SUTHERLAND. What I want to know is whether all the water that is secured by this reservoir has been appropriated by white farmers?

Mr. MARTEN. Yes, sir; the entire flow of the reservoir, I believe, has now been appropriated for land, so that there is no more water for sale.

Senator SUTHERLAND. So that no water could be taken out of that reservoir for the benefit of the Indians?

Mr. MARTEN. No, sir.

Senator SUTHERLAND. The Indians are absolutely dependent upon these wells?

Mr. MARTEN. The Indians are absolutely dependent upon these wells and the flood waters.

Senator SUTHERLAND. How about the 800; do they get water from the wells?

Mr. MARTEN. They get water from the wells; but they will not receive these wells—

Senator SUTHERLAND. But none of the Indians get water from the reservoir?

Mr. MARTEN. No, sir; none of the Indians on the reservation we are speaking of.

Senator SUTHERLAND. Is the soil on which these wells are dug alkaline in character?

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. So that the natural seepage of the water from the surface through the soil into the wells takes up the alkali from the soil?

Mr. MARTEN. Yes, sir. It is proved by the computations that we have from official sources that there will be 8,000 pounds of salt deposited annually on every acre of land with the water out of the Pima Agency wells which has now ruined the land.

Senator SUTHERLAND. And the water in the river comes from melting snows and rains, and simply flows over the surface of the ground, and naturally does not take up so much of the alkaline substance as the water that seeps into the ground?

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. The proposition is to construct the reservoir for the benefit of the Indians on the Gila River.

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. What is the estimated cost of that?

Mr. MARTEN. A little over \$1,000,000.

Senator SUTHERLAND. What do you ask now—what action of Congress?

Mr. MARTEN. There is an item in the Indian appropriation bill which is before the House, which provides \$10,000 for the expense of a board of engineers to make a new survey of the San Carlos Dam site, and absolutely put at rest the question as to whether it is feasible or not to construct a dam there. The item as originally incorporated provided for a board of Army engineers to make the examination, because, although the Government engineers were strongly in favor of this reservoir 10 or 12 years ago, later on a railroad company desired to get through the canyon, and if they had taken their line through the canyon it would have become worthless for reservoir purposes. An adverse report was made by the Reclamation Service, which completely reversed a former report of the Government engineers. They are on record, therefore, as being against the San Carlos Reservoir site and in favor of the railroad company.

Senator PAGE. Does the department positively object to the passage of your resolution or bill?

Mr. MARTEN. No, sir. It does not. The Indian Bureau is very much in favor of it.

Senator PAGE. Who is opposing its passage?

Mr. MARTEN. The Reclamation Service. They are apparently desirous of sending their engineers to investigate in San Carlos in place of the Army engineers. They are already on record as having absolutely condemned the site for reservoir purposes. The Indian Bureau is in favor of it.

Senator SUTHERLAND. The Reclamation Service is opposing it because they want to sell the electricity?

Mr. MARTEN. I presume if the motive of the Reclamation Service were to be inquired into it would be necessary to submit the evidence. It is difficult to get at their exact motive, but they are on record as having opposed the reservoir once. Other Government engineers are on record in favor of it.

Senator PAGE. As I understand it, the engineers of the Reclamation Service are on record as saying that it is actually impracticable to build this dam that you suggest?

Mr. MARTEN. Yes. Therefore the item was incorporated in the Indian bill that the Army engineers should make the investigation. Mr. Burke introduced an amendment to the bill authorizing the Reclamation Service engineers to make the investigation, because there was some criticism made of the first item, the original item, and Mr. Burke was not in possession of the facts at the time, and later, when he got in full possession of the facts, he was perfectly agreeable that the Army engineers should make the investigation; and that motion was passed unanimously by the Indian Committee of the House the other day.

Senator PAGE. Would it not, in your judgment, be better, inasmuch as one board of Government engineers has declared this project of yours to be absolutely impracticable, to have the ideas now covered by the appropriation bill put in effect, and have the matter examined before we pass an appropriation for your proposition?

Mr. MARTEN. Yes; that is the point.

Senator CURTIS. Do I understand you to say, as the Senator suggests, that the Reclamation Service has declared the suggestion of the Indian Office and made by you to be impracticable?

Mr. MARTEN. That is the point; yes, sir.

Senator CURTIS. They do?

Mr. MARTEN. They condemn the reservoir site. I would not say that they say it is altogether impracticable, but the reservoir site is absolutely condemned, according to the report that I have here.

Senator CURTIS. How do you mean "condemned"?

Mr. MARTEN. They say the foundations can not be secured, but, on the other hand, the foundations are declared by eminent engineers to be absolutely safe and the reservoir site one of the best in arid America. This is shown by Water Supply Paper No. 33, of the Geological Survey.

Senator PAGE. In view of that fact, do you not think it would be wise to have another examination made, as provided by the appropriation bill, rather than appropriate now specially \$1,000,000 to build a dam or provide water where it may be worthless?

Senator CURTIS. My idea was simply to hear this witness this morning, so the committee could, when it meets as a full committee, consider and determine what course to pursue.

Senator PAGE. I should like to have him direct his argument toward that feature of the case. Why should we appropriate money now, if it has been decided by a competent board of engineers that it is absolutely impracticable, without making a further investigation?

Mr. MARTEN. The idea was to have the Board of Army Engineers make another investigation, as being an absolutely unbiased board.

Senator SUTHERLAND. All you ask now is an appropriation of \$10,000 to make an investigation?

Mr. MARTEN. Yes, sir.

Senator SUTHERLAND. You do not ask us to authorize the construction of this dam or to appropriate any money toward it?

Mr. MARTEN. No, sir; The point is that the examination be made by a board of Army engineers in place of the Reclamation Service engineers.

Senator PAGE. I now get your idea, but I did not get it until this moment.

Mr. MARTEN. It is a very complicated matter.

Senator CURTIS. Is that all you want?

Mr. MARTEN. Yes, sir.

Senator CURTIS. Now, Mr. Marten, I would suggest that if you have any printed data or written statements that you would like to submit to the committee that you file them with the secretary, so that we may have them.

Mr. MARTEN. I have considerable data.

Senator CURTIS. Will you file what you have with the secretary?

Mr. MARTEN. I haven't it with me now, but I will furnish it to the secretary.

Senator CURTIS. If it is printed, all you need to do is to refer to it as document so and so.

Mr. MARTEN. It is printed, but the matter is very much involved. There is a matter, for instance, on the other reservation. About \$170,000 of Government money has been applied on lands which already have an adjudicated water right, and the Government is about to expend that money. It is a matter which calls for thorough investigation, according to the evidence.

The CHAIRMAN. How would this affect other irrigation projects? Take the Florence Casa Grande Water Users' Association.

Mr. MARTEN. If 40,000 acres of land were irrigated from the San Carlos Reservoir for the Pima Reservation there would still be some surplus water which might be sold to the Florence Casa Grande Water Users' Association, and in that way their lands could be irrigated, and at the same time the Government could partially reimburse itself.

The CHAIRMAN. Would there be enough water to irrigate their lands?

Mr. MARTEN. There would be more than enough water to irrigate their lands.

The CHAIRMAN. That is what I wanted to get at.

There being no further questions, Mr. Marten was thereupon excused.

The CHAIRMAN. Mr. Brosius, do you want to be heard?

Mr. BROSIUS. I just want to say one word. Mr. Marten has been here some two or three months and has collected a vast amount of evidence regarding this matter, which can be filed.

The CHAIRMAN. It will be filed.

The printed matter referred to is as follows:

A few facts showing conditions in relation to the system of irrigation by well water at Pima Agency, Ariz., which the witnesses for the Reclamation Service failed to state to the subcommittee of the Committee on Indian Affairs of the House of Representatives, in considering the Indian appropriation bill, January 17, 1912, as shown in the printed hearings:

(1) That \$400,000 is still due to the Salt River Valley Water Users Association under their contract with the Government for the purchase of electricity to operate the wells on the Pima Reservation; that this is additional to the sum of approximately \$500,000 already expended on the present unit of 10 wells, only 7 of which are complete. (See Hearings No. 1, before Committee on Indian Affairs of House of Representatives on H. Res. 330, Dec. 21, 1911, pp. 4, 5.)

(2) That the present unit of 10 wells will thus cost between eight and nine hundred thousand dollars, and this does not include cost of diversion dam. (For cost of Salt River diversion dam, see Hearings No. 2, supra, p. 47.)

(3) That the annual charge to the Indians for pumped water of \$4 per acre, which Mr. Newell testified they would have to pay, is considered by white farmers as an exorbitant and practically prohibitive charge under present agricultural conditions in Arizona. (See Phoenix, Ariz., leading daily papers, lately published.)

(4) That the white farmers under the Roosevelt Reservoir paid only \$1.60 per acre as actual cost of reservoir water last year (1911), which is characterized as a high charge in view of the fact that farmers not under the reservoir system, who are organized into private cooperative companies take water from the Salt River at Tempe and Mesa in the Salt River Valley at a maximum annual cost of 60 cents per acre. (See Hearings No. 1, supra, p. 14.)

(5) That the San Carlos Reservoir would irrigate a minimum of 60,000 acres, according to reports of Government engineers. (See H. Doc. No. 521, 62d Cong., 2d sess., pp. 71, 78, 62.)

(6) That if these 60,000 acres should have to be irrigated with pumped water at \$4 per acre instead of reservoir water the cost is seen to be \$240,000 a year.

(7) That if, on the other hand, this minimum of 60,000 acres should be supplied with San Carlos Reservoir water as proposed at \$1.60 per acre, the same as farmers under the Roosevelt Reservoir are paying, the annual cost would be but \$96,000.

(8) That the difference in favor of a reservoir on the irrigation of 60,000 acres of land is thus \$144,000 a year.

(9) That in 20 years this difference would amount to \$2,880,000, or enough money saved to construct a reservoir at San Carlos, according to Mr. Newell's own testimony. (Cost of Roosevelt Dam was approximately \$3,500,000. See House hearings, Indian appropriation bill, 1912, p. 108.)

(10) That other engineers in the employ of the Government have estimated the cost of a dam at San Carlos at little over \$1,000,000 (Doc. No. 521, supra, pp. 60, 77.) and that the farmers under the Roosevelt Reservoir, organized into a protective association, have recently brought charges against the Reclamation Service, demanding an investigation by Congress of affairs of the Reclamation Service pertaining to

the Roosevelt project, and stating that the work done by the Reclamation Service on said project has been "negligently" "wastefully," and "extravagantly" done. (See Petition, published in Phoenix (Ariz.) Gazette, Feb. 19, 1912.)

(11) That a railroad runs to within 5.75 miles of the San Carlos Dam site, whereas the machinery and much other material used in constructing the Roosevelt Reservoir had to be freighted over some 60 miles of mountain road, in wagons, thus necessitating a round trip of 120 miles, and that this road was constructed at great expense only part of which was met by private subscriptions, before any important work could be done.

(12) That 5,000 horsepower of electricity would be generated by the waters of the San Carlos Reservoir, according to reports of Government engineers, and that this power would be readily salable at \$100 per horsepower annually in the extensive mining district in the immediate neighborhood of the proposed reservoir. That the income derived from the sale of this power would amount to \$500,000 annually, and that this might be allowed to accumulate for many years before the power or the income derived from it would be needed for cleaning out the reservoir. (See Doc. No. 521, supra, pp. 61, 72.)

(13) That Government engineers estimate the life of the wells now being installed on the Pima Reservation at a vast expense as only 10 years and consider them in the nature of "temporary improvements," "which should certainly be abandoned if storage water becomes available." (See reports of Government engineers, Doc. No. 521, supra, pp. 54, 55.)

(14) That the alkaline content of the wells at Pima Agency has been continually increasing since the wells were first installed, some seven years ago. According to official analyses, the increase up to last July (1911) was nearly 50 per cent and has now reached one-tenth of 1 per cent, which is considered the danger point for vegetation. (See Hearings No. 1, supra, on H. Res. 330, pp. 10, 11.)

(15) That 5½ acre-feet of water such as the above (which amount has been supplied to the lands under the Roosevelt Reservoir) would deposit annually on every acre of ground, if all remained, 15,000 pounds of salts, thus impregnating the soil with 7½ tons of deleterious and poisonous salines to the acre. (See Hearings No. 1, supra, on H. Res. 330, p. 11.) That barley, which is not very sensitive to alkali, refuses to grow in a soil containing little more than twice the above amount (32,480 pounds) of soluble salts per acre in the surface 4 feet. (See Hearings No. 1, supra, p. 12.)

(16) That a large area of land forming part of the Pima Agency farm and garden has been ruined for agricultural purposes by the well water. (See hearings, supra, p. 10.)

(17) That one of the wells forming the unit of 10, referred to by Mr. Hill in his testimony, from which it is intended to supply the Pima lands with water for their irrigation, contains as high as 147 parts of alkali per 100,000, or nearly 50 per cent more than the wells which have wrought ruin at Pima school farm. (See hearings No. 1, supra, p. 23.)

(18) That it is possible this alkali content may increase indefinitely. (See Doc. No. 521, supra, p. 57.)

(19) That the garden at Pima school has already been moved once as a result of the ruin of the land for agricultural purposes through the use of well water for irrigation, and will have to be moved again, shortly, under present conditions, to new ground, as garden seeds when planted refuse to germinate notwithstanding the best scientific cultural methods are employed by skilled agriculturists. (See hearings No. 1, supra, p. 10.)

(20) That peach trees have died and grapevines are now dying rapidly at the Pima Agency as a result of using the well water.

(21) That alkali is spreading in patches over certain areas of this farm watered from wells.

(22) That the farmer recently employed at Pima Agency farm for many years states in an official reply to certain charges made against him by Inspector E. B. Linnen, of the Interior Department, that the well water is ruining the farm. That this knowledge is a matter of record and observation and is known to all employees now engaged in the superintendency of the farm.

(23) That not only the "subchiefs" of the Pima Tribe are protesting against the wells, as Mr. Newell states in his testimony before the subcommittee, but the head chief and nearly all the returned students and educated men of the tribe, and that these protests have been made ever since the inception of the well system. (See Doc. No. 521, supra, pp. 3, 6, 8; and Hearings No. 1, supra, p. 24.)

(24) That the Indians were never consulted about the wells, notwithstanding their earnest appeals to be heard, except by Mr. Carl Gunderson, formerly supervisor of allotting agents, in 1911, after the wells were practically completed. (Doc. No. 521, supra, p. 6.)

(25) That no diversion dam has been constructed across the Gila River and that in consequence, the flood waters can not be successfully diverted into the flood-water canal for distribution on to the Indian lands.

(26) That a mud pump has been installed to keep the mouth of the canal open, so as to utilize the flood waters from the river, and that the said pump fails to do satisfactory work.

(27) That the Indians have been obliged to abandon this new canal heading and take water from their old canal.

(28) That during the greater part of the year 1911 ineffective brush dams were built by the Indians under the direction of a Government employee in front of the new canal heading with a view to diverting the flood waters of the river, and that these dams were swept away in each instance.

(29) That the 10 wells installed can not possibly irrigate 10,000 acres of land in actual practice. (See Hearings No. 1, on H. Res. 330, *supra*, p. 4.)

(30) That such estimate is based on the assumption that the lands of the Indians shall receive but little more than half as much water as the lands of the white farmers under the Roosevelt Reservoir have been receiving.

(31) That the Commissioner of Indian Affairs recommends allotments to the Pima Indians of 10 acres per capita, in view of the area of alluvial lands heretofore cultivated by the Indians within the Gila River Reservation, approximating 30,000 acres. That under the well system they were to have been given allotments of 10 acres to a family. (See Hearings No. 1, *supra*, H. Res. 330, pp. 16, 17.)

(32) That Mr. Louis C. Hill, in his testimony given before the Committee on Expenditures in the Interior Department of the House of Representatives on House resolution 103, July 7, 1911, page 628, stated that the cost of electricity to the Indians would be three-tenths of a cent per kilowatt hour, and that in his testimony given before a subcommittee of the Committee on Indian Affairs of the House of Representatives on the Indian appropriation bill for 1912, page 109, Mr. Hill states that the cost to the Indians per kilowatt hour will be seven-tenths of a cent—the latter figure being an increase in cost over the former of 125 per cent.

(33) That former chief engineer for the Indian Service, William H. Code, stated in his testimony given before the Committee on Expenditures in the Interior Department of the House of Representatives, July 8, 1911, on House resolution 103, page 650, that the annual cost of electricity for the Indian lands would be about \$1 per acre. Mr. Hill, in his testimony referred to (hearings on Indian bill, *supra*, p. 109), shows that it will be a fluctuating charge depending on the amount of water delivered from the wells. The lands of white farmers under the Roosevelt Reservoir have received more than 5 acre-feet of water for their cultivation. (See Climatological Report of Weather Bureau, District No. 9, November, 1910.) Reckoning on the same basis, the annual cost of electricity for the Indian lands would be (according to Mr. Hill's own testimony, p. 109) in excess of \$2.50 per acre, again an increase on the estimate made last year (1911) by Chief Engineer Code of more than 150 per cent.

Mr. Hill further states (p. 109) that this charge is "nearly constant." In other words, it is not quite constant, and the obvious inference is that there may be a still further increase in cost.

(34) That the above are only a few reasons among many others why the well system should be abandoned and stored water obtained for the irrigation of the Indian lands within the Pima Reservation.

SALT RIVER (PIMA) LANDS UNJUSTLY TAXED.

Three thousand four hundred and forty-eight acres of Indian cultivated lands within the Salt River Reservation, Ariz., which have a perfect title to river water have been unjustly taxed, and it is now sought to bind the Government to the payment of more than \$170,000 on the basis of its proportionate charge for the construction of the Salt River (Roosevelt) irrigation project, equally with other lands not having adjudicated water rights. This computation is based on the cost per acre of \$50 to lands under the Roosevelt project; it is believed, however, that the cost per acre will eventually be not less than \$55 or \$60 per acre. (See Hearings No. 2, H. Res. 330, 62d. Cong., 2d sess., pp. 45, 49.)

It appears that the Government has been led into practically mortgaging these Indian lands by some of its own officials to the promoters of the Roosevelt Reservoir project, notwithstanding the fact that the said lands have an adjudicated title to water for their irrigation in the normal, or low-water-mark flow, of the Salt River. (See Hearings, *supra*, pp. 41 and 46.)

WASHINGTON, D. C., February 21, 1912.

HON. JNO. H. STEPHENS,

Chairman Committee Indian Affairs, House of Representatives.

DEAR SIR: In regard to the matter of a system of irrigation for the lands of the Pima Indians which is now being considered by your committee, the following statements are submitted as showing that the construction of a reservoir at San Carlos would reduce the expenditure necessary to the completion of the well and pump system by more than a million dollars:

Balance of the amount of contracted indebtedness for which the Salt River Valley Water Users' Association seeks to bind the Government under the agreement to supply 1,000 horsepower of electricity (approximately) (see Hearings No. 1, H. Res. 330, 62d Cong., 2d sess., pp. 1 to 5).....	\$400, 000
Estimated cost of masonry diversion dam across channel of Gila River, if no reservoir is constructed to impound floods, such dam to be similar to the one constructed by the United States Reclamation Service across Salt River under the Roosevelt Reservoir at a cost of \$500,000 (see Hearings No. 2, supra, p. 47).....	400, 000
Ten additional wells necessary to consume the 1,000 horsepower of electricity already contracted for at a cost of \$10,300 per well, as estimated by the Reclamation Service.....	103, 000
Cost of flood-water system on south side of river similar to the one on north side, partially completed, according to United States Reclamation Service estimates (see Hearings, supra, No. 1, p. 5; No. 2, p. 31).....	124, 000
The above system would irrigate only 12,000 acres of Indian lands, allowing 600 acres to a well. This estimate is based on the amount of water flowing from the wells, averaging 200 miners' inches per well, and the amount of water allowed by court decree under the Roosevelt system, of 48 miners' inches to the quarter section of land. (See Decree, Justice Kent, "Hurley v. Abbott," Arizona, March 1, 1910, p. 11.) The area of Indian lands already put under cultivation by the Indians is shown by investigation to average about 8 acres per capita.	
If 10-acre allotments should be made, as recommended by the Commissioner of Indian Affairs, in justice to the Indians, it would require under the well system by the foregoing computation at least 60 wells, making necessary the installation of 40 wells over and above the 20 necessary to consume the 1,000 horsepower of electricity already contracted for; therefore 40 wells at a cost of \$10,300 per well (United States Reclamation Service estimate).....	412, 000
The thousand horsepower of electricity already contracted for is sufficient to operate 20 pumps, at the rate allowed of 50 horsepower to the well. The Government has entered into contractual obligations with the Salt River Valley Water Users' Association to pay \$500,000 for the said 1,000 horsepower, exclusive of maintenance charges. At that rate the cost of 2,000 horsepower additional, sufficient to operate 40 more pumps, would be (see Hearings No. 1, supra, pp. 4, 5, 18).....	1, 000, 000
Total estimated cost of well and pump system to irrigate 40,000 acres of Indian lands, sufficient to make per capita allotments of 10 acres of irrigated land to the Pima Indians.....	2, 439, 000

That the above computation is a conservative estimate is apparent by a reference to the United States Reclamation Service annual estimate of funds for 1912 for irrigation of Pima lands, from which the following excerpt is made:

"The construction cost per acre will be over \$50, due to the high cost of installing a combined system of the type under consideration. The great need of the Indians for an additional water supply induced the Indian Office to favor this expensive plan of reclamation."

The above official estimate shows that the total initial cost of 40,000 acres supplied with water by the well and pump system at more than \$50 per acre would be in excess of \$2,000,000. (It is believed from later estimates made that the ultimate cost will not be less than \$60 per acre, or approximately \$2,400,000 for the entire area of 40,000 acres.)

There will also be a very large annual expense for purchase of electricity and other charges, which will amount to about \$4 per acre, according to testimony given by Mr. Newell, Director of the Reclamation Service, before a subcommittee of the Committee on Indian Affairs of the House of Representatives January 17, 1912. (See hearings on Indian appropriation bill, p. 99.) From the above it will be seen that the annual cost of pumped water for 40,000 acres of land will be \$160,000.

A further large cost would accrue for the maintenance of the plant. Government engineers estimate the life of a pumping plant at only 10 years. (See H. Doc. No. 521, 62d Cong., 2d sess., pp. 54, 55.) In entire agreement with said engineers' estimates, the University of Arizona in Bulletin No. 49, Cost of Pumping for Irrigation (pp. 459-460), says:

"The life of the average pumping plant in use every year will probably not much exceed 10 years. This would indicate that at least 20 per cent of the first cost of the plant should be included each year as a part of the expense of running the plant, in order to cover these items of interest and depreciation."

Cost of proposed San Carlos Reservoir.

Cost of a reservoir at San Carlos of sufficient capacity to irrigate 60,000 acres of land, together with auxiliary works for the same, as specified by Government engineers (see H. Doc. No. 521, 62d Cong., 2d sess., pp. 60 and 77)..... \$1, 038, 926

The above figure is stated to be a "very liberal one." (See document, supra, p. 60.) (Lately cement works have been established within 100 miles of the proposed dam, which should be able to furnish the cement estimated on at \$8 per barrel, as having to be brought from the seaboard, at a greatly reduced cost.) (See Water-Supply Paper No. 33, U. S. Geol. Survey, p. 87.)

A reservoir as heretofore estimated would supply the Pima Indians with 10-acre allotments of irrigated lands, and would supply additional water for some 17,000 acres of arid land, which would be worth not less than \$100 per acre, from the sale of which the Government might secure a revenue of..... 1, 700, 000

(The above estimate allows for 3,000 acres of irrigated lands belonging to white landowners to be supplied with water, as having possible water rights already vested in the normal flow of the Gila River after the Indian lands have been supplied.)

Therefore:

	Acres.
Indian lands to be supplied.....	40, 000
Lands to which possible water rights already appertain.....	3, 000
Arid lands to be irrigated.....	17, 000
Total.....	60, 000

PHOENIX, ARIZ., December 7, 1905.

Mr. F. H. NEWELL,

*Chief Engineer United States Reclamation Service,
Washington, D. C.*

DEAR SIR: In compliance with your instructions, a board of engineers designated to consider the San Carlos project have carefully considered all of the available data bearing upon the matter and have to report as follows:

A reservoir of sufficient capacity at San Carlos to store 300,000 acre-feet of water will require a dam 140 feet high, and in view of the large amount of sediment carried by the flood waters of the Gila River, the dam would have to be 180 feet high to maintain such a capacity for a period of 60 years, as the silt deposited in the reservoir would amount to about 7,500 acre-feet annually. (For contrary opinion, see H. Doc. No. 521, 62d Cong., 2d sess., pp. 60, 61, 71, 72, 77.)

The topography of the country is of such a nature that it will not be financially feasible to construct canals around the reservoir for flushing purposes. (For contrary opinion see document, supra, pp. 71, 72, 61.)

Borings in the bed of the San Carlos River at the dam site indicate that the bed rock on which the dam will have to be founded is about 60 feet below the low-water level of the stream, making the structure very expensive for the length of time that it can be expected to serve a useful purpose. (For contrary opinion see document, supra, pp. 59, 60, 64, 73, 74, 79.)

The dip of the bed rock at the site of San Carlos Dam is in the direction of flow and may be a dangerous foundation on which to found the structure. (For contrary opinion see document supra, pp. 59, 60, 64, 73, 74, 79.)

During the years 1904-5 observations and investigations made upon the upper tributaries of the Gila and San Francisco Rivers in New Mexico indicate that reservoirs can be constructed on these streams of sufficient capacity in connection with the

natural flow of the Gila River to irrigate 40,000 acres at a less cost per acre than by constructing the San Carlos Dam. (For contrary opinion see document supra, p. 65.)

The San Carlos Reservoir site is already occupied by the Gila Valley, Globe & Northern Railway, and the Southern Pacific Railway Co. has located a line through the canyon for its main transcontinental line. Estimates for the cost of this line for an elevation of about 40 feet and 150 feet above the river bed show a difference of about \$2,773,000 in favor of the lower elevation. (For contrary opinion see letter from Assistant Secretary of Interior, No. D-17616, San Carlos Reservoir site, application for right of way, Arizona Eastern Railroad Co. et al., February 17, 1912.)

The officials of the Southern Pacific Railway Co. state that if the Reclamation Service will abandon the San Carlos Dam site the railway company will withdraw application for right of way through reservoir site on San Francisco River and will gladly make any concessions that they consistently can in other localities.

In view of the above-mentioned facts and conditions, we recommend that the dams and reservoir site at San Carlos be abandoned. (For contrary opinion see document supra, p. 64.)

We also recommend that the observations for stream discharge be continued on the upper Gila and San Francisco Rivers. (For contrary opinion see document supra, p. 65.)

A plate showing the area, capacity, and useful life of the reservoir for different heights of dam is transmitted herewith.

The resolution of the directors of the Southern Pacific Railway Co. withdrawing application for right of way through the San Francisco Reservoir site will be transmitted as soon as received.

Respectfully submitted.

A. P. DAVIS,
GEO. Y. WISNER,
W. H. SANDERS,
LOUIS C. HILL,
A. E. CHANDLER,
Board of Engineers.

As shown below, the Reclamation Service are on record as opposing the San Carlos Dam site, while very eminent Government engineers have shown the project entirely feasible.

In the files of the Indian Bureau (marked "Land—Contracts, 36109, 1909, R. J. H.") it is stated that on December 29, 1909, in a letter addressed to Gibson Taylor, Tucson, Ariz., Louis C. Hill, supervising engineer of the Reclamation Service located at Phoenix, Ariz., who was one of the board of engineers which made a report on the San Carlos Reservoir site under date of December 7, 1905, gave five reasons why the Government abandoned the San Carlos site. These reasons are given below, together with the opinion of eminent engineers holding different views, and who have reported favorably upon the feasibility of the project.

(1) The depth of bed rock is too great. (For contrary opinion, see H. Doc. No. 521, 62d Cong., 2d sess., p. 64.)

(2) The character of the dam site is bad, as a fault occurs at this point. (For contrary opinion, see H. Doc., supra, pp. 59, 60, 64, 73, 74, 79.)

(3) The dip of the strata is in the wrong direction. (For contrary opinion, see H. Doc., supra, pp. 59, 60, 64, 73, 74, 79.)

(4) The amount of silt carried by the Gila River is so great that a reservoir built to a feasible height would be filled up within a comparatively short time. (For contrary opinion, see H. Doc., supra, pp. 60, 61, 71, 72, 77.)

(5) The cost per acre for a project based on this reservoir would be too great to make the project feasible. (For contrary opinion, see H. Doc., supra, p. 77.)

The CHAIRMAN. In that connection I desire to have printed the petition of Senator La Follette, with the statement of a number of names.

The paper referred to is as follows:

SACATON, ARIZ., November 21, 1911.

We the undersigned, Indians of the Pima Tribe of the Gila River, do hereby petition the Senate of the United States for aid because of the following:

(1) We have been robbed and plundered for years.

(2) That Inspector E. B. Linnen, of the Interior Department, investigated the scandals at our agency and he found sufficient evidence against Supt. J. B. Alexander and some of his favorite employees to justify criminal proceedings against them.

(3) We have heard that the officials at Washington are threatening to put aside this report of Mr. Linnen's, and in fact this is already being done. We can not see why this is done. We further understand that this report of Mr. Linnen's was submitted to some clerk in the Department of Justice, who has decided that these thieves did not have a fair show at the investigation. We do not know what he means by a "fair show." What evidence Mr. Linnen obtained was all of a documentary nature, which was supported by nearly 150 affidavits of reputable white people and Indians and was substantiated by facts and figures.

(4) If this report is turned down the plunderers will likely return among us to continue their plans of looting as they did in years past, and we Pimas who have always been the white man's friend would be pauperized by the end of another year.

(5) We earnestly appeal to the Senate of the United States as we also appeal to the lower House to save us from the further depredations of the rogues Mr. Linnen caught and to prevent any of that ring being returned to our reservation. We also appeal to you to restore to us our river water which the whites stole from us through the negligence and indifference of Government officials who were mainly these same rogues and their friends, and we further appeal to you to secure us in the possession of our lands.

(The above petition contained 444 signatures.)

The CHAIRMAN. I present additional petitions which I desire to have printed in the record.

SACATON, ARIZ., *January 18, 1912.*

HON. GEORGE SUTHERLAND, *Washington, D. C.*

DEAR GEORGE SUTHERLAND: We desire very much that all the facts regarding conditions on this the Pima Reservation be made public. "Let the truth be known."

And we know of no better way than to place in the hands of the Indian Committees the Linnen report.

Please aid us in having the Linnen report placed before the various Indian Committees and Congress for consideration. All we ask is that Congress know all the facts.

Yours, respectfully,

MABIL ANTON.

PIMA INDIAN RESERVATION,
Sacaton, Ariz., December 16, 1911.

We, the Pima Indians of the Gila River Reservation, Ariz., direct this appeal for the recovery and protection of our rights to members of the Committee on Indian Affairs of the Senate and House of Representatives.

We have been robbed of our irrigating water in the Gila River by unscrupulous whites, who have been allowed to work without hindrance through the neglect or connivance of Government officials to whom our interests have been intrusted.

We have the prior water rights and therefore must have the water. The whites have not the prior water rights, but they have stolen the water and are using it for their own benefit while we are in a condition nearing starvation. For a large part of the year no water at all reaches our farms, and they are turned into deserts. The lands we used to irrigate all the year now get no water except from infrequent floods.

Now that the Government has allowed this condition to prevail, notwithstanding our persistent entreaties, it is proposed to compel us to accept in exchange for the water of which we have been plundered, and which we still lay claim to, an expensive system comprised of wells and pumps designed to furnish underground water for irrigation. We still object to the use of underground water for irrigation, as we have done for years past. We were never consulted about this project, and it was foisted onto us without our consent and in spite of vehement protests from us to the Government.

We protest, because:

(1) Commissioner Valentine in his recent investigation of Pima matters secured official analyses of the well water now being provided for the irrigation of our lands. A reference to the official analyses, which are on file at the Indian office, will show that the well is highly deleterious to the land, and will eventually ruin it for agricultural purposes. We don't want to use water that in a few years will ruin our good alluvial land.

(2) The appropriation of \$540,000, made by Congress to provide this system, is made reimbursable by us, although we had no voice in the matter and do not want to pay for it.

(3) A huge annual cost for electricity, etc., to operate the pumps, as well as the initial cost of installation under the wells and pumps system, will have to be met by us, which is an injustice and will bankrupt every Indian farmer under the system.

(4) The system as at present installed provides water for very few people only out of the 4,000 Indians on our reservation.

(5) The water rights in the Gila River appear by consensus of legal opinion to be still ours, and such water would cost us nothing. Our water is being used for the white man's benefit.

(6) The recent decision of Judge Kent of the United States Supreme Court of Arizona reads in part: "The first in time to appropriate is the first in right to appropriate." Our forefathers were agriculturalists and irrigators with the waters of the Gila River centuries before any white man came.

(7) A large appropriation would still have to be made to complete the present well and pump system of irrigation if it should be allowed to go on to completion. If any further appropriation be made by Congress with a view to our benefit by providing a system of irrigation for our reservation, we would call to the attention of your committee the advisability of establishing our gravity water rights legally.

Our petitions in the past have been chiefly ignored and pigeon-holed in the Indian Department.

We beg your committee will support the recommendation of Commissioner Valentine in our favor. It is plain that some one has plundered.

We earnestly request a thorough investigation by Congress of the present conditions on our reservation.

Very respectfully, yours,

KISTO J. MORAGO,
LEWIS D. NELSON,
HARVEY CAWKER,
JACKSON THOMAS.

Business Committee of Pima Tribe of Indians.

CHICAGO, May 29, 1911.

Hon. WILLIAM J. STONE,
United States Senate.

DEAR SIR: At the suggestion of Dr. Carlos Montezuma we hand you herewith copy of letter, with inclosures, which the writer sent Secretary Fisher May 27 last.

A careful perusal of it will, to my mind, show a most disgraceful attitude by the Government's agents toward its ward, the Indian.

I can not imagine that Secretary Fisher can afford to ignore this complaint as his Indian Commissioner did.

The Indian Department must be in pretty rotten condition when its commissioner can afford to ignore this positive proof of deception as our letter to him discloses under date of April 1, 1911, attached hereto as Exhibit D.

Yet he did entirely ignore it as his reply dated April 22, 1911, attached hereto as Exhibit E, discloses; hence seems to indorse methods that no ordinary business man can ever use and have the respect of his neighbors.

If our Government, acting as a wise, honest, and efficient guardian of the helpless Indian, pursues, through its agents, such tactics, it is to say the least a lamentable outlook for the future unfortunate red man.

Respectfully,

JOSEPH W. LATIMER.

CHICAGO, May 27, 1911.

Hon. WALTER L. FISHER,
Secretary of Interior, Washington, D. C.

DEAR SIR: Supplementing the writer's conversation of last Tuesday, May 23, in Washington, D. C., with your Mr. Brown, would state that I am attorney for Dr. Carlos Montezuma, of Chicago, who is acting under full written power of attorney on behalf of some 150 Mohave-Apache Indians comprising the tribe located on Camp McDowell Reservation, Ariz.

Dr. Montezuma is a full-blood Apache Indian, a man of education, being a practicing physician here in excellent standing, and well known throughout the United States for his interest in Indian history and affairs.

Since May, 1910, there has been various correspondence on the above subject, mostly written by this office, but at the direction and under the name of Dr. Montezuma.

For your information we attach in the order named copies of the following letters, viz, Exhibit A, from former Secretary Ballinger, January 27, 1911; Exhibit B, to Secretary Ballinger, January 30, 1911; Exhibit C, from C. F. Hauke, Acting Commissioner Indian Affairs, March 11, 1911; Exhibit D, to Commissioner Indian Affairs, April 1, 1911; Exhibit E, reply Acting Indian Commissioner, April 22, 1911.

Upon a full investigation it develops that a systematically unfair and unjust effort has been progressing for nearly two years to have these Indians moved from Camp McDowell Reservation to Salt River, against their constant, repeated, and notorious protest; their welfare has been grossly neglected and open fraud adopted to place them in a position of apparently consenting to this proposed removal, their consent, as you know, being necessary to warrant your department moving them.

A repulsive situation is certainly presented when the Indian Department blandly permits one of its chief inspectors (E. B. Linnen) to meet these Indians with representations to gain their consent which are admittedly false. See details in letters attached hereto, Exhibit C and Exhibit D.

Without compensation and at some personal expense the writer has examined into this subject, and when so flagrant a case of imposition and deceit is established as the two letters just named disclose (see particularly Exhibit D) it seems justifiable for me to believe the repeated stories of neglect and dishonesty which have come to our notice regarding the handling by the Indian Department of the affairs of the different tribes in Arizona.

Your Indian Commissioner is charged with the just care of these wards of the Government and their rights. His agents certainly could not have stooped to a more contemptible act than trying to gain the consent of these Mohave-Apaches to removal, by deliberately, through Inspector Linnen, promising them to allot their land at Camp McDowell if they would but select land on Salt River; said promise being absolutely false. As you can readily see, the moment they selected sites at Salt River the necessary consent for your commissioner to move them would have operated, and thereafter it would have been impossible to secure any redress for rights in Camp McDowell.

My training as a business lawyer convinces me that your commissioner, with the above and inclosed facts in his hands and charged with the trust of a fair, honest, and efficient care of these Indians, can hardly appreciate such trust when he replies to the letter of April 1, 1911 (Exhibit D), setting forth this disgraceful Linnen affair, that his office finds nothing in our letter to alter their opinion as before expressed. (See Exhibit E.)

We would respectfully submit that the complacency with which the Indian Department received our disclosure of evidence of its officer's "double-dealing" is amazing; therefore we are forced to bring this to your personal attention. We know that it is not your policy to conduct business on such a basis, nor that you will permit this illegal and wrongful neglect and annoyance of this tribe to exist.

We are seeking (1) stoppage of this pernicious activity of the last year and a half to move these Indians; (2) at least as good treatment and attention as they received from the department agents for the four years prior to 1909; (3) fulfillment of the Government's duty to assist them in their schools and agricultural pursuits on this reservation; (4) at logical time, an allotment of Camp McDowell land to these Indians, permitting them to attain their desire of independence.

We sincerely believe that an early and consistent effort to attain the foregoing objects will soon find these Indians no longer dependents and charges upon the Government, but they will become good citizens in accordance with the established policy of the Government in its present dealings with the Indian question, as we understand it.

Respectfully,

JOSEPH W. LATIMER.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1911.

DR. CARLOS MONTEZUMA,
Colorado Building, Washington, D. C.
(Care F. S. Bright, Attorney at Law.)

SIR: The receipt is acknowledged of your communication, dated November 8, 1910, protesting against the proposed removal of the Camp McDowell Indians to the Salt River Reservation, Ariz., and requesting instead that they be allotted at Camp McDowell and that a new modern dam be built for them there.

In response you are advised that it has never been the intention of the Government to force the Camp McDowell Indians to remove to the Salt River Reservation against their wishes, though the department is satisfied, after careful investigation, that it would be to their best interests to so remove. As such removal would involve the expenditure of about \$45,000 for water rights for these Indians, it may readily be seen that the Government would save money if the Indians stay where they are, and

in fact is only considering their best interests in suggesting that they remove to Salt River.

Something over \$9,000,000 has been expended on the Salt River project, and it is extremely improbable that any further expenditures in that vicinity will be considered on any new project which would benefit but a small number of Indians, such as the dam which you proposed be constructed.

The department wishes also to point out to you that it is very unlikely that the Government will consent to the expenditure of any further funds for repairs to the present dam and ditches in use by the Camp McDowell Indians.

In conclusion, you are advised that if the Camp McDowell Indians accept the opportunity offered them to participate in the benefits to be derived from the Roosevelt Dam waters, it is not the intention of the department that they will be deprived of the use of the Camp McDowell lands for pasturage and timber, nor will the Salt River Indians be entitled to any share in such lands.

As the matter now stands, the Indians who do not wish to remove to Salt River will not be compelled to do so by the Government, but the department reiterates its belief that those who do not accept allotments of the irrigable lands at Salt River are standing in their own light, and it is hoped that they will soon see where their best interests lie.

Respectfully,

R. A. BALLINGER, *Secretary.*

EXHIBIT B.

CHICAGO, ILL., *January 30, 1911.*

HON. R. A. BALLINGER,

Secretary of the Interior, Washington, D. C.

DEAR SIR: I acknowledge receipt of your letter of January 27 last, and have carefully noted your statements in reference to the belief of your department that the removal of the Camp McDowell Indians to the Salt River Reservation in Arizona would be to their interests.

After a thorough investigation of the question in Arizona by myself, consulting with the leaders of the tribe and the tribe themselves, and further consultation with eminent men in full position to pass judgment on such a question, I thoroughly disagree with your department that it is to the best interests of these Camp McDowell Indians to move, and I positively know it is not their wish to move.

I endeavored in my communication of November 8, 1910, to fully and completely set out reasons for the above position and further gave you therein ample facts to show it was absolutely contrary to the desires of the tribe that they be moved from this reservation to the Salt River Reservation.

If there be a saving to the Government of \$45,000—as you state in your letter—if these Indians are not moved, then, if the Government could be convinced that the condition of these Indians could be immeasurably improved for them to have an expenditure of a small amount right at Camp McDowell, we could accomplish a double purpose of saving the Government money and making it possible in making valuable citizens of these Indians.

The dam that these Indians want, and which the engineers assure us would furnish the agency with all the water it could possibly need, we are prepared to show, by competent engineers, would cost less than this \$45,000 expense which you claim it would cost the Government to move them. We earnestly and sincerely believe that your department has been unintentionally misled in reference to the removal of these Indians of the Camp McDowell Agency being to their interests and advantage, and if you care to give us the opportunity we would be more than pleased to submit to you, in whatsoever form you may suggest, full evidence of the desires of these Camp McDowell Indians, and also more complete information which we believe would convince your department that it is not only contrary to the best interests of of these Indians to move them to the Salt River Reservation, but that with a comparatively small expenditure of money they can be immeasurably benefited by being left on the Camp McDowell Reservation, where in a short time they will become producers instead of wards.

These Indians are not a lazy, shiftless, and immoral band, but are industrious, pastoral people, and history shows that their parents were invaluable to this Government in the settlement of the southwestern country, their scouting and their faithfulness alone being responsible for the rounding up of the Geronimo band of renegades in the eighties. All they need is a little help from the Government to put their farms in condition where they can be cultivated, and this particular band of Indians

will soon become good citizens of this Government, and are yearning for this time to come, and, in fact, have made great progress when we consider the untilled condition of much of the land which they occupy.

We know that you, as the head of your department, are a fair-minded man, and are acting upon information which you believe is correct, and that you are therefore sincere in your position, but we are anxious to show you the grave error that would be committed if these Indians were moved, and we want to assure you that whatever we are doing on their behalf we are desirous and anxious at all times to have your approval and approbation.

Respectfully,

CARLOS MONTEZUMA.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR

Washington, March 11, 1911.

DR. CARLOS MONTEZUMA,
72 East Madison Street, Chicago, Ill.

SIR: The office is in receipt by reference of the department of your letter of January 30, 1911, regarding the removal of the Camp McDowell Indians to the Salt River Reservation.

After careful consideration the office is still of the opinion that it would be to the best interests of the Indians on the Camp McDowell Reservation to move to the Salt River Reservation and accept allotments there. Careful investigation by experienced field men shows that it is not practicable to irrigate sufficient land on the Camp McDowell Reservation to afford allotments to the Indians there; that at the outside about 1,300 acres only could be furnished with water, which would not be sufficient; and that, owing to the treacherous character of the stream from which the waters would be taken, the irrigation and diversion dams would be subject to damage during times of flood. Something over \$9,000,000 has been expended in the project from which waters are obtained to supply available lands on the Salt River Reservation. The project there is an assured one. If the Indians from the Camp McDowell Reservation will move to and accept allotments on the Salt River Reservation, it will practically mean a guaranty to them of a permanent water supply, while if they remain on the Camp McDowell Reservation the facilities for obtaining water at best are precarious.

It should be understood at this time that the present plans of the office do not contemplate allotments to Indians of the lands now embraced in the Camp McDowell Reservation, and the Indians should understand that if they agree to move and accept allotments on the Salt River Reservation they will be given irrigable lands there; being allowed also to use the lands within the present Camp McDowell Reservation in common for agricultural, grazing, or timber purposes. The office does not expect to insist on the removal of these Indians to the Salt River Reservation, but will point out to them why it will be to their material advantage to go there. Sufficient irrigable land on that reservation will be retained to afford allotments at least of 5 acres with assured water rights, which will be in the nature of a standing invitation to these Indians to go to the reservation and select allotments there whenever they care to avail themselves of this privilege. It will prove to the material interests of these Indians, of course, to remove to and accept allotments on the Salt River Reservation at the earliest practicable date, and for your information it may be said that recently the superintendent of the Camp McDowell Indian School advised the office that 42 of these Indians had not only agreed to but had actually gone to the Salt River Reservation and selected the lands there wanted in allotment. This action on the part of the Indians is very gratifying to the office, mainly because it is an indication of the fact that the Indians themselves are beginning to see in which direction their best interests lie.

In order that there may be no misunderstanding, however, on your part in connection with this matter, you are further informed that the Executive order of June 14, 1879, created the Salt River Reserve for the use of the "Pima and Maricopa Indians;" and before allotments can actually be made on the Salt River Reservation to the Indians now on Camp McDowell Reservation, it will be necessary to procure a modification of the Executive order referred to so as to authorize the Secretary to locate thereon such other Indians as he may deem advisable. The matter has by letter of even date herewith been submitted to the department for transmission to the President in order to procure the necessary enlargement of the Executive order of June 14, 1879.

After the Camp McDowell Indians have accepted allotments of irrigable land on the Salt River Reservation the office may consider the advisability of allotting to them in severalty the lands within the Camp McDowell Reserve.

Respectfully,

C. F. HAUKE,
Acting Commissioner.

EXHIBIT D.

APRIL 1, 1911.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Replying to letter to me of March 11, 1911, signed by C. F. Hauke, Acting Commissioner, which purports to be reply to my letter of January 30, 1911, regarding removal of Camp McDowell Indians to Salt River Reservation.

You state that 1,300 acres of land in Camp McDowell can be irrigated; this, with the timber and grazing land in this reservation that need not be irrigated, will make ample allotment for the Mohave-Apaches, and is exactly that for which we are contending.

We feel gratified that you should so closely agree with us when you state that 1,300 acres in this reservation can be irrigated. We are reliably informed that more can be successfully irrigated, but take it on your own statement, and we can make an allotment giving to each Indian—man, woman, and child—more irrigated acreage than you offer in Salt River Reservation, and with the timber and grazing land added to this, we have just what we want and that for which we are contending.

Also your statement confirms our contention that the cost is comparatively light, as it must be with only 1,300 acres to irrigate. Your contention that the "treacherous character of the stream from which the waters would be taken, the irrigation and diversion dams would be subject to damage during times of flood" is not substantiated from reports of competent engineers who have examined this location for us with the view of ascertaining the practicable establishment of irrigation. They report it is amply practicable, that there is a natural formation that makes it a comparatively cheap proposition, and one in every way reasonable, and at a cost far below what your own department estimated would cost the Government to move the Mohave-Apaches to the Salt River Reservation, namely, \$45,000.

From a stenographic report of a conference between Chief Yuma Frank, with three other Mohave-Apache Indians, and your Inspector E. B. Linnen, held at Sacaton, Ariz., February 22, 1911, said Inspector Linnen urged upon the Mohave-Apaches to take 5 acres of land in the Salt River Reservation, stating they would not have to move there, but the Government was giving them this in addition to its present purpose "to give to each man, woman, and child 10 acres of farming land and 40 acres of grazing land, making a total allotment of 50 acres to each member of the tribe of the Camp McDowell Reservation land;" and the inspector urged Chief Yuma Frank to tell his tribe that the Government would allot the Camp McDowell land as above quoted, on which they could live, but in addition wanted to give each Indian 5 acres in Salt River Reservation which they could "rent out." This proposition was repeatedly urged upon Chief Yuma Frank by Inspector Linnen in a conversation, the typewritten report of which occupies over four pages, single space.

Your letter to me of March 11, 1911, states emphatically:

"It should be understood at this time that the present plans of the office do not contemplate allotments to Indians of the lands now embraced in the Camp McDowell Reservation."

For what purpose do your agents and inspectors so flagrantly misrepresent the facts? Is this what your department countenances as fair treatment to these Indians? Is this an illustration to you that your agents, upon whose information you form your conclusions are, to say the least, using peculiar methods in urging this tribe to follow its "best interests" and move to Salt River Reservation?

We care not what may be the selfish interests of individuals to have these Mohave-Apaches move to the Salt River Reservation and to give up natural rights which they have in the Camp McDowell Reservation, a place they like, where they have for years resided and still wish to reside, and we recognize the sincerity of the chief officers in the Department of the Interior in believing that it is for the best interests of these Mohave-Apaches to move; but we want to repeat what we have written before: Your information that these Mohave-Apaches want to move is an error; that if you will, unbiased, examine the conditions, you will agree with us that it is not to their "best interests" to move; that you are being misled as to those who have consented to move, and that your information as stated to me in your letter of March 11, 1911, that "42 of these Indians had not only agreed to but had actually gone to the Salt River Reserva-

tion and selected the lands there wanted in allotment," is, if meaning Mohave-Apache Indians, entirely untrue; but that the facts are that every subterfuge to get these Indians to move to Salt River Reservation against their avowed declaration to stay at Camp McDowell, is being used by your subordinates in Arizona.

Why this great haste to move these Indians? Your department, we should think, would be glad to cease with such tactics as your Inspector Linnen used February 22, 1911 (heretofore set forth), and let this subject be freely, openly, and fairly discussed, and then a decision made after full consideration of all sides.

The evident desire of some of your officials to hurry this matter when no reason on earth can be advanced for the necessity of haste, forced an appeal to Congress, and as you know, the matter is there pending.

Why do you permit your inspectors and agents to continuously urge upon these Mohave-Apaches "immediate selection," moving and allotment in this Salt River Reservation, when you have been officially notified that they do not want to go; and also when you further state in your letter to me of March 11, 1911, that your department has as yet no legal authority to place any Indians on this Salt River Reservation except "Pima and Maricopa Indians"? I refer to that paragraph of your said letter reading as follows:

"In order that there may be no misunderstanding, however, on your part in connection with this matter, you are further informed that the Executive order of June 14, 1879, created the Salt River reserve for the use of the 'Pima and Maricopa Indians,' and before allotments can actually be made on the Salt River Reservation to the Indians now on Camp McDowell Reservation, it will be necessary to procure a modification of the Executive order referred to so as to authorize the Secretary to locate thereon such other Indians as he may deem advisable. The matter has of even date herewith been submitted to the department for transmission to the President in order to procure the necessary enlargement of the Executive Order of June 14, 1789."

The Mohave-Apaches do not want to be wards, and with a little Government help (less than your department states will cost you to move them to the Salt River Reservation) they would be in a position right at Camp McDowell to demonstrate their fitness to become citizens; and with a fair hearing we devoutly believe their wishes and their welfare will not be trampled under foot by moving these Mohave-Apaches from a land in which they are contented and where nature assists them in their happiness and good, to a land of surroundings foreign to their every mode of life for generations, and peopled with other Indian tribes who for generations have been their sworn enemies.

Respectfully,

CARLOS MONTEZUMA,
*Authorized Representative of Mohave-Apaches Indians,
Camp McDowell Reservation.*

EXHIBIT E.

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1911.

DR. CARLOS MONTEZUMA,
72 East Madison Street, Chicago, Ill.

SIR: The office is in receipt of your letter of March 31, 1911, submitting further suggestions regarding the allotment of the Camp McDowell Indians on the Salt River Reservation and the disposal of the lands within the Camp McDowell Reservation.

Nothing is found in your letter which would cause the office to alter the opinion expressed in its letter of March 11, 1911, of the advisability of allotting the Camp McDowell Indians 5 acres of irrigable land with assured water rights within the Salt River Reservation, and that it would not be feasible for the Government to attempt to construct an irrigation project to cover the irrigable lands within the Camp McDowell Reservation.

For your information Executive Order No. 1322, dated March 22, 1911, is set out verbatim:

"It is hereby ordered that Executive order of June 14, 1879, creating a reservation for use of the 'Pima and Maricopa Indians', be, and the same is hereby, amended so as to make said reservation available for use of the Pima and Maricopa Indians, and such other Indians as the Secretary of the Interior may see fit to settle thereon."

This, of course, will remove any misunderstanding as to the right of the Camp McDowell Indians to allotment on the Salt River Reservation.

Respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

The committee thereupon, at 12 o'clock m., adjourned.

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